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U.S. Citizenship
and Immigration
Services

D6

FILE:

Office: TEXAS SERVICE CENTER

Date: JUL 06 2004

IN RE:

Petitioner:
Beneficiary:

PETITION: Petition for Alien Fiancé(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(K)

ON BEHALF OF PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the Director, Texas Service Center. The director subsequently issued a Notice of Intent to Deny the petition. The petition is now on appeal before the Administrative Appeals Office (AAO). The petition will be remanded the director to make a final decision.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Peru, as the fiancé of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(K).

The director issued a Notice of Intent to Deny approval of the petition after determining that the petitioner had not established that the beneficiary could legitimately claim single status as required. *Notice of Intent to Deny*, dated April 28, 2003. There is no indication in the record that a final decision was rendered. The appeal appears to have been filed in error, in response to the Notice of Intent to Deny.

Therefore, the petition will be remanded to the director for a final decision. If the decision of the director is adverse to the petitioner, the decision is to be certified to the AAO for review without further fee from the petitioner.

ORDER: The petition is remanded.